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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/663,842

09/17/2003

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Q77455

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EXAMINER

AN, IG TAI

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/663,842 | Applicant(s) TAMURA ET AL. | |
| | Examiner Ig T. An | Art Unit 3687 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on June 5, 2008 has been acknowledged. Amended claims 1, 3, 5, 9, 11, 15, 17, 18 and 20 and newly presented claims 22 – 27 have been entered. Therefore, Claims 1 – 27 are pending and considered as below.

Response to Amendment

2. Applicant's amendments to the claims are sufficient to overcome the Claim Objection and 35 USC 112, second paragraph, rejections set forth in the previous office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 5 - 7, 9, 13 - 15, 17, 20 – 21, and 25 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukishima et al. (hereinafter Tsukishima) (US 6647304).**

As per Claims 1, 9, and 17, Tsukishima discloses systems and method for selling electronic equipment brought into a shop as used electronic equipment (See column 24 lines 48 – 60; via when selling used electronics), said system comprising:

a function check circuit provided in said electronic equipment, said function check circuit checking whether said electronic equipment operates normally (See column 25 line 66 - column 26 line 4; via providing fault diagnostic function);

a data input-output device for sending and receiving product data of said electronic equipment, said data input-output device sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment when said electronic equipment operates normally (See column 4 lines 5 – 33; via data input/out system such as tech screen panel and display which sends the product data such as product number to the manufacturer's information/service provision station); and

a model search device for identifying the model of said electronic equipment on the basis of said product data, and said manufacturer sending a part corresponding to identified said model to said shop (See column 4 line 34 – column 5 lines 17; via manufacturers receive the product data from the customer/shop, search the product and send customers/shop part or provide customers/shop to access the product related information such as operation manual).

As per Claims 5, 13 and 20, Tsukishima discloses wherein said part is an operation manual corresponding to identified said model shop (See column 4 line 34 –

column 5 lines 17; via manufacturers receive the product data from the customer/shop and send customers/shop part or provide customers/shop to access the product related information such as operation manual).

As per Claims 6, 14, and 21, Tsukishima discloses wherein said product data includes used time information of said electronic equipment, and said operation manual describes a warranty according to said used time information (See column 4 line 34 – column 5 lines 17; via the manufacture/seller can send product information such as maintenance information, attention information or warranty information with the operating manual to the customer).

As per Claims 7, and 15, Tsukishima discloses wherein said product data includes used time information of said electronic equipment, and said part includes an operation manual corresponding to identified said model and a document describing a warranty according to said used time information (See column 4 line 34 – column 5 lines 17; via the manufacture/seller can send product information such as maintenance information, attention information or warranty information with the operating manual to the customer).

As per Claim 25, Tsukishima teaches wherein said input-output device sends said product data to said manufacturer based on an output of the function check circuit which indicates that the electronic equipment operates normally (Column 4 lines 5 – 33

and Column 25 line 58 – Column 26 lines 4).

As per Claim 26, Tsukishima teaches wherein said manufacturer receives the product data from the data input-output device in the event that the function check circuit indicates that the electronic equipment operates normally (Column 4 lines 5 – 33 and Column 25 line 58 – Column 26 lines 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 2 – 4, 10 – 12, 18 – 19, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukishima in view of LaFata et al. (hereinafter LaFata) (US 5603201).**

As per Claims 2, and 10, Tsukishima discloses all the elements of the claimed invention but is silent regarding wherein said part is a packing box for packing.

LaFata discloses a packaging system having wherein said part is a packing box for packing (See column 1 line 6 - 10; via packing a product in a box).

Therefore, from this teaching of LaFata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product management method and system of Tsukishima to include packing box as taught by LaFata to prevent damage on the product.

As per Claims 3, 11, and 18, Tsukishima discloses all the elements of the claimed invention but is silent regarding wherein model information of identified said model is printed on said packing box.

LaFata discloses a packaging system having wherein model information of identified said model is printed on said packing box (See column 1 lines 26 - 32; via product information is printed on the box).

Therefore, from this teaching of LaFata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product management method and system of Tsukishima to include packing box with product description on the box as taught by LaFata to easily identify the product in the box.

As per Claims 4, 12, and 19, Tsukishima discloses all the elements of the claimed invention but is silent regarding wherein said product data includes used time

information of said electronic equipment, and said used time information is printed on said packing box.

LaFata discloses a packaging system having wherein said product data includes used time information of said electronic equipment, and said used time information is printed on said packing box (See column 6 line 59 – 67; via warranty information and many other product related information is printed on the packing box. The Examiner construes that since the box is printed with product related information such as product specification, it is obvious to include used time information of the used product).

Therefore, from this teaching of LaFata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product management method and system of Tsukishima to include packing box with product description such as used time information on the box as taught by LaFata to easily identify the product and information related to the product in the box.

As per Claim 22, Tsukishima discloses all the elements of the claimed invention but is silent regarding wherein said shop places said electronic equipment brought into said box.

LaFata discloses a packaging system having wherein said shop places said electronic equipment brought into said box. (See column 1 line 6 - 10; via packing a product in a box).

Therefore, from this teaching of LaFata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product

management method and system of Tsukishima to include packing box as taught by LaFata to prevent damage on the product.

Furthermore, all the claimed elements were known in the prior arts of Tsukishima and LaFata, and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As per Claim 24, Tsukishima discloses all the elements of the claimed invention but is silent regarding placing said electronic equipment in said box.

LaFata discloses a packaging system placing said electronic equipment in said box (See column 1 line 6 - 10; via packing a product in a box).

Therefore, from this teaching of LaFata, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product management method and system of Tsukishima to include packing box as taught by LaFata to prevent damage on the product.

Furthermore, all the claimed elements were known in the prior arts of Tsukishima and LaFata, and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

8. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukishima in view of Hadjigeorgis (US20020152118).

As per Claims 8 and 16, Tsukishima discloses all the elements of the claimed invention but is silent regarding wherein said electronic equipment is a digital camera.

Hadjigeorgis discloses a point of sale rebate award system having wherein said electronic equipment is a digital camera (See paragraph 38; via digital camera sale). Therefore, from this teaching of Hadjigeorgis, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify product management method and system of Tsukishima to include digital camera sale as taught by Hadjigeorgis to earn profit from the sale.

9. Claim 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukishima in view of Official Notice.

As per Claim 23, Tsukishima discloses the claimed invention such as servicing the used electronic equipment (Abstract) but is silent regarding cleaning said electronic equipment. Examiner takes Official Notice that is old and well known in the art of re-sale the second hand or used product to provide cleaning the product. Many internet web-stores such as www.buy.com or www.gamestop.com provided customer with used products which are already clean and serviced to prove that the product is working properly. It would have been obvious to one having ordinary skill in the art at the time of

the invention was made to provide the product management system such as servicing product and re-sale the product of Tsukishima with the cleaning the used product as taught by Examiner's Official Notice, in order to increase customer satisfaction on used product.

As per Claim 27, Tsukishima teaches checking the electronic equipment indicates that the electronic equipment does not operate normally (Column 25 line 66 – Column 26 line 4) but is silent regarding sending the electronic equipment for repair. Examiner takes Official Notice that is old and well known in the art of selling used product to provide repair broken used electronic products. Many internet web-stores such as www.buy.com or www.gamestop.com repair broken used electronics and re-sell those electronics as refurbished products. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide the product management system such as servicing product and re-sale the product of Tsukishima with the repairing electronics if the electronics do not work properly as taught by Examiner's Official Notice, in order to increase customer satisfaction by providing customers with properly working products.

Response to Arguments

10. Applicant's arguments filed on June 5, 2008 have been fully considered but they are not persuasive.

The applicant argues, "As an initial matter, the subject matter recited in the preamble is entirely absent from Tsukishima. There is no recitation of selling electronic equipment brought to a shop as used electronic equipment, which is unrelated to the purpose of Tsukishima." The Examiner respectfully disagrees.

In response to applicant's arguments, the recitation "As an initial matter, the subject matter recited in the preamble is entirely absent from Tsukishima. There is no recitation of selling electronic equipment brought to a shop as used electronic equipment, which is unrelated to the purpose of Tsukishima." has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, as giving the broadest reasonable interpreting on the claim, a place such as homepage where a customer buys and sells products or multiple parts on the product market is considered as a shop. Column 24 lines 48 – 60, as mentioned in previous office action, clearly discloses a customer who sells products or multiple parts on homepage.

The applicant next argues, "There is no disclosure in Tsukishima that such information is sent 'when said electronic equipment operates normally', as recited in claim 1." The Examiner respectfully disagrees. Considering the reference as a whole,

Tsukishima discloses self-diagnosis program or a built in part which automatically modifies troubles and process self-fault diagnosis (Column 25 lines 66 – Column 26 lines 4). Tsukishima further discloses deciding reusability of used component (Column 25 lines 58 – 65). Therefore, combining rationale from previous office action and above rationale clearly covers “when said electronic equipment operates normally.”

The applicant next argues, “there is no disclosure of self-diagnosis in the context of the data transmission of column 4 of Tsukishima, and Tsukishima does not disclose “sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment when said electronic equipment operates normally”, as recited in claim 1.” The Examiner respectfully disagrees. The Examiner notes that self-diagnosis feature is on Column 25 and Column 26 and the prior art reference is considered as a whole when applied to the claims. As mentioned above and previous office action, Tsukishima discloses sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment (Column 4 lines 5 – 33) when said electronic equipment operates normally (Column 25 lines 58 – Column 26 lines 4). Therefore, combining rationale above covers limitations of “Tsukishima does not disclose “sending said product data including a model code read from said electronic equipment to a manufacturer of said electronic equipment when said electronic equipment operates normally.”

The applicant next argues, “Sending a part itself, such as a packing box and an operation manual, to the shop is not taught or suggested in Tsukishima.” The Examiner respectfully disagrees. In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a part itself, such as a packing box and an operation manual) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The response to the argument on limitation "the shop" is already mentioned above.

The applicant next argues, "No such model search device is disclosed by Tsukishima." The Examiner respectfully disagrees. Tsukishima further discloses searching for a service menu associated with each component parts, which customer input in Column 24 lines 25 – 33. Considering a reference as a whole, Tsukishima clearly covers model search device.

The applicant next argues, "There is no disclosure of such used time information in Tsukishima." The Examiner respectfully disagrees. As mentioned in previous office action Tsukishima discloses maintenance information, attention information or warranty information. Maintenance information and warranty information clearly include used time information in order to find how often it was maintained and how long it has been from the last maintenance, or how much warranty time has left, etc. Therefore, Tsukishima clearly discloses used time information.

11. Applicant's arguments with respect to claims 22 - 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ig T. An whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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